

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ATHENS DIVISION**

UNITED STATES OF AMERICA	:	
	:	CRIM. NO. 3:22-CR-12
	:	
v.	:	
	:	
AHKIL NASIR CRUMPTON	:	
	:	
Defendants	:	
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**GOVERNMENT’S *SECOND* NOTICE OF INTENT TO RELY ON EXPERT WITNESS
TESTIMONY AND SUMMARY OF TESTIMONY OF PHILADELPHIA POLICE
DEPARTMENT FORENSIC SCIENTIST RUI FEN KUBIAK**

The United States hereby provides to the defendant the disclosures required by Rule 16(a)(1)(G) of the Federal Rules of Criminal Procedure, pertaining to the expert witness testimony to be offered by Forensic Scientist Rui Fen Kubiak from the Philadelphia Police Department (PPD), Office of Forensic Sciences - Criminalistics Unit, located in Philadelphia, Pennsylvania. As required by Rule 16, such disclosures include a complete statement of all opinions rendered by this witness that the government intends to use during its case-in-chief at trial under Federal Rules of Evidence 702, 703, or 705, or during its rebuttal to counter testimony that the defendant has timely disclosed under (b)(1)(C). It additionally includes the bases and reasons for the opinions of the witness, the qualifications of the witness, publications authored by the witness in the previous 10 years, and a list of all other cases in which, during the previous 4 years, the witness has testified as an expert.

Rui Fen Kubiak – Forensic Scientist

Rui Fen Kubiak is an expert in the field of forensic DNA examinations and has been employed since August 4, 2014, as a Forensic Scientist in the PPD’s Office of Forensic Sciences

– Criminalistics Unit. Rui Fen Kubiak obtained a B.S. in Biology from Union College in 2008, and a M.S. in Biomedical Forensic Science from Boston University in 2013. Additionally, Rui Fen Kubiak has successfully completed numerous continuing education courses and successfully passed several proficiency examinations since beginning employment as a forensic scientist.

Qualifications, Publications and Testimonies

All qualifications, publications authored in the previous 10 years, as well as a list of all other cases during the previous 4 years in which Forensic Scientist Rui Fen Kubiak has testified as an expert, are provided in her Curriculum Vitae, attached as “**Government’s Exhibit 1.**”

The Witness’s Opinions

At trial, Rui Fen Kubiak will provide general background information regarding forensic DNA testing and will describe/define deoxyribonucleic acid (DNA), how DNA varies from person to person, how DNA may transfer from its original source to another person and or object, and what factors may affect the quality and or quantity of DNA detected. Additionally, Rui Fen Kubiak will provide expert opinion that from the samples submitted to the PPD’s laboratory for analysis, DNA profiles were recovered. Rui Fen Kubiak will describe the process used to recover those profiles, which include collection, extraction, quantitation, amplification, analysis, and interpretation. This will also include describing the individualizing characteristics used to conduct a DNA analysis, i.e., short tandem repeats, how DNA typing is performed at the PPD Laboratory and the possible outcomes of a DNA examination. Rui Fen Kubiak will also explain how a DNA profile is interpreted, what factors may affect such interpretation, and the process for determining the number of contributors to an evidentiary profile.

Rui Fen Kubiak determined that DNA profiles developed in this case were suitable for comparison and compared the DNA profiles in accordance with the PPD Office of Forensic

Sciences – Criminalistics Unit’s Standard Operating Procedure Manuals, as well as in accordance with the FBI Quality Assurance Standards and the ANSI National Accreditation Board ISO/IEC 17025 Accreditation and Supplemental Requirements for Forensic Testing. The findings and opinions reached by Rui Fen Kubiak were documented in her attached Criminalistics Unit Report (“**Government’s Exhibit 2**”) and in her signed Rule 16(a)(1)(G) Summary of Testimony in United States v. Ahkil Nasir Crumpton (“**Government’s Exhibit 3**”).¹

The Basis and Reasons for the Witness’s Opinions

Forensic Rui Fen Kubiak opinions are based on her personal examination of the results, which were produced in her case file materials, as well as based on her training, education, experience, and expertise as a forensic DNA examiner.

Respectfully submitted, this 25th day of September, 2023.

PETER D. LEARY
UNITED STATES ATTORNEY
MIDDLE DISTRICT OF GEORGIA

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¹ Rui Fen Kubiak retested the DNA evidence previously tested by Forensic Chemist Fatimot Adekanmbi. *See* Doc. 87. However, due to exigent circumstances, Fatimot Adekanmbi is unable to travel to Georgia to testify at trial. Therefore, Fen Kubiak will testify to the independent expert opinions and conclusions that she reached as reflected in her attached report.

CERTIFICATE OF SERVICE

I, MICHAEL MORRISON, Assistant United States Attorney, hereby certify that on the 25th day of September, 2023, I electronically filed the within and foregoing Government's *Second* Notice of Intent to Introduce Expert Witness and Summary of Testimony of Forensic Scientist Rui Fen Kubiak with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all parties of record.

PETER D. LEARY
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